MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2017/2018

UPI3612 PUBLIC INTERNATIONAL LAW I

(All Sections/ Groups)

16 OCTOBER 2017

Reading Time: 2.30pm – 2.45pm
(15 Minutes)
Answering Time: 2.45pm – 5.45pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt question 1 in Part A which is **compulsory** and any **THREE** out of **FOUR** questions in Part B. The distribution of the marks for each question is given.

4. Students are not allowed to bring in any statutes into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided.

SECTION A: COMPULSORY

QUESTION 1

A group of US nationals were having a boisterous gathering at a local bar in Bangkok Thailand. A group of local Thais were clearly agitated by the partying US nationals. Added to their resentment was the growing aversion of American policies towards Thailand. Soon they gathered around the Americans and a fight ensued. The owners of the pub quickly informed the local Police Chief of the incident as expectedly local gangsters were getting involved. The police chief sent their officers and clearly instructed them that the American lives are to be protected. When the police arrived to stop the melee, they did little to prevent the mob from attacking the Americans. One American was fatally stabbed and two others, suffered serious injuries. The American embassy was informed of the incident.

Following this, the leader of the mob who was directly involved in the murder was apprehended and charged in court. However he was freed on bail pending further investigation. There appeared to be no action against the rest of the offenders. The American representatives at the embassy were infuriated and threaten to take action against the government of Thailand.

With reference to the above incident, illustrate the development of the law on state responsibility and identify the principle of international law in analysing the above incident.

(Total: 40 Marks)

SECTION B (Answer any three questions)

QUESTION 2

An international conference was held in Brussels, which was convened specifically to set up a treaty on climate change. Describe and explain the procedure by which a state may adopt the treaty as provided for by the Vienna Convention on the Law of Treaties.

(Total: 20 Marks)

QUESTION 3

In an international dispute, the municipal court of a state disregarded an international law by justifying that the Municipal Law of the state takes precedent.
Give explicit explanation of the international practice in the event of a conflict between International Law and Municipal Law.

(Total: 20 Marks)

Continued...

QUESTION 4

What is meant by Extradition? Support your answer with the Malaysian legal practice in respect of Extradition.

(Total: 20 Marks)

QUESTION 5

During a rebellion in Country X, President Kamal implemented a government policy that used the state apparatus (the military, police, etc.) to attack Thorian people, a race who were perceived to be sympathetic to the rebels. He personally ordered rape, murder, extermination, and torture of Thorian people and pillaging of numerous Thorian villages. His intention was to finally annihilate all Thorian people in Country X.

President Kamal later resigned. During his vacation to Country Y, a neighbouring country, he was arrested and detained pending trial by military police of Country Y for crimes against humanity and genocide that he committed in Country X.

Kamal claimed that he was immune from any criminal prosecution as he did all these acts in his official capacity as the President of Country X.

Discuss the legal position by referring to relevant judicial decisions.

(Total: 20 Marks)

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